

**Remarks**

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 5, and 12 have been amended. No claims have been cancelled or added. Therefore, claims 1-16 are presented for examination.

**35 U.S.C. §103(a) Rejection**

Claims 1-7 and 10-11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Godfrey (U.S. Patent No. 6,091,255), in view of Bealkowski et al., (U.S. Patent No. 6,378,027). Applicant submits that the present claims are patentable over Godfrey in view of Bealkowski.

Godfrey discloses an on-chip thermometer and methods for using the on-chip thermometer to measure a local temperature and to operate an integrated circuit. The on-chip thermometer comprises a clock circuit, a temperature responsive circuit, and a counter. The clock circuit operates at a fixed frequency and generates a clock signal at the fixed frequency. The temperature responsive circuit couples to the clock circuit and receives the clock signal from the clock circuit. In response to receiving an enable signal, the temperature responsive circuit generates an output signal from the temperature responsive circuit. The counter then generates a value indicative of a local temperature of the integrated circuit. (Godfrey at col. 1, ll. 38-53.)

Bealkowski discloses a method of servicing a processor array of a computer system by quiescing a processor selected for maintenance and removing the selected processor from a processor pool used by the computer's operating system. The selected processor is then powered down while maintaining power to and operating the other processors in the

processor array. The selected processor may be identified as being defective, or may have been selected for upgrading. (Bealkowski at Abstract.)

Claim 1 recites:

A method of managing power generated within a computer system, the method comprising:  
operating the computer system at a first central processing unit (CPU);  
receiving a first signal at an operating system, the first signal generated by a thermal sensor within the first CPU;  
selecting, by the operating system, a second CPU to receive a workload of the first CPU based on the first signal;  
distributing, by the operating system, the workload between both of the first CPU and the second CPU; and  
resuming operation of the computer system at the first CPU and the second CPU.

Applicant submits that Godfrey in view of Bealkowski may not be combined in an §103 obviousness rejection to disclose distributing, by the operating system, the workload between both of the first CPU and the second CPU, as recited by claim 1. The Final Office Action states that "Godfrey does not disclose that the operating system controls the selecting a second CPU to receive a workload of the first CPU. Godfrey instead discloses that a control unit controls the selecting a second CPU to receive a workload of the first CPU." (Final Office Action mailed 6/2/06 at pg. 3.) However, the Final Office Action then relies on Bealkowski as disclosing this feature. (Id.) The Final Office Action states that Bealkowski "discloses an operating system which controls selecting of a first processor to operate a system and selecting of second processor to operate the system when the first processor is in an abnormal operating condition." (Id.)

However, applicant submits that there is no motivation to combine Godfrey and Bealkowski under a §103 obviousness rejection. The MPEP at §2143.01(I) states that "[o]bviousness can only be established by combining or modifying the teachings of the prior

art to produce the claimed invention *where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.*” Furthermore, the MPEP at §2143.01(III) states that the “mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.”

Godfrey does not suggest any teaching, motivation, or desirability of utilizing an operating system to distribute tasks between processors. In fact, Godfrey specifically provides a control unit as the ideal component to perform this task, and makes no mention of any other means to perform this task that may be desirable. Similarly, Bealkowski does not provide any teaching, motivation, or desirability to utilize its operating system for distributing tasks between processors when thermal indicators denote overheating of a processor. Bealkowski generally relates to methods of upgrading and servicing computer components without powering down the computer system or otherwise interrupting service. (See Bealkowski at Background of Invention.) Bealkowski is not concerned at all with overheating or thermal properties of processors and the resulting solutions for these problems.

Therefore, there is no motivation in either of Godfrey or Bealkowski to combine these references to teach the features of claim 1. As a result, claim 1, as well as its dependent claims, is patentable over Godfrey in view of Bealkowski.

Independent claim 5 also recites, in part, distributing, by the operating system, the workload between both of the first CPU and the second CPU. As discussed above, Godfrey in view of Bealkowski may not be combined to disclose this feature. Therefore, claim 5, as

well as its dependent claims, is patentable over Godfrey in view of Bealkowski for the reasons discussed above with respect to claim 1.

Claims 8, 9, and 12-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Godfrey and Bealkowski et al. in view of Applicant's Admitted Prior Art (AAPA). Claims 8, 9, and 12-16 depend from independent claims 5 and 12. As discussed above, Godfrey in view of Bealkowski may not be combined to disclose distributing, by the operating system, the workload between both of the first CPU and the second CPU, as recited by claims 5 and 12. Therefore, as dependent claims necessarily include the limitations of their independent claims, claims 8, 9, and 12-16 are patentable over Godfrey and Bealkowski, further in view of AAPA.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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